

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

Plaintiff

v.

PERRY HOMES, INC.  
ALLYSON WHITTINGTON, and  
ROBERT WHITTINGTON

Defendants

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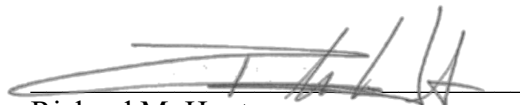
CASE NO. 2:21-cv-00977 CRE

Magistrate Judge Cynthia Reed Eddy

**DEFENDANTS' MOTION TO DISMISS  
PURSUANT TO RULE 12(b)(1) and (b)(6)**

Perry Homes, Inc., Allyson Whittington and Robert Whittington, Defendants, move for dismissal of the above cause pursuant to Rule 12(b)(1) and 12(b)(6) for the reasons more specifically set forth in the Brief in Support filed contemporaneously with this Motion.

Signed October 22, 2021.



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ATTORNEYS FOR DEFENDANTS

### **CERTIFICATE OF CONFERENCE**

I certify that as required by this Court's Standing Order on Rule 12(b) Motions [Dkt. 4] the moving party has made good faith efforts to confer with the nonmovant(s) to determine whether the identified pleading deficiencies properly may be cured by amendment. Specifically, the undersigned provided a draft of this Motion to Dismiss to Plaintiff's counsel and conferred briefly by phone. Plaintiff's then filed the Amended Complaint that is the subject of this Motion. When the Amended Complaint was filed the undersigned confirmed by email that Plaintiff's counsel did not intend to file any further Amended Complaints, although Plaintiff's counsel reserved the right to do so as permitted by the Federal Rules of Civil Procedure.

  
Richard M. Hunt

### **CERTIFICATE OF SERVICE**

I certify that on October 22, 2021 the foregoing Motion to Dismiss was served on all counsel of record through the Court's ECF system in accordance with Rule 5 of the Federal Rules of Civil Procedure.

  
Richard M. Hunt